

20A-5-101 (Superseded 01/01/15). Notice of election.

(1) On or before February 1 in each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

- (a) designates the offices to be filled at the regular general election;
- (b) identifies the dates for filing a declaration of candidacy for those offices;
- (c) includes the master ballot position list for the current year and the next year as established under Section 20A-6-305; and
- (d) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

(2) (a) No later than February 15, each county clerk shall:

- (i) publish a notice:
 - (A) once in a newspaper published in that county; and
 - (B) as required in Section 45-1-101; or
- (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county; and

(B) prepare an affidavit of that posting, showing a copy of the notice and the places where the notice was posted.

(b) The notice required by Subsection (2)(a) shall:

- (i) designate the offices to be voted on in that election; and
- (ii) identify the dates for filing a declaration of candidacy for those offices.

(3) Before each election, the election officer shall give written or printed notice of:

- (a) the date and place of election;
- (b) the hours during which the polls will be open;
- (c) the polling places for each voting precinct;
- (d) an election day voting center designated under Section 20A-3-703; and
- (e) the qualifications for persons to vote in the election.

(4) To provide the notice required by Subsection (3), the election officer shall publish the notice at least two days before the election:

- (a) in a newspaper of general circulation common to the area or in which the election is being held; and
- (b) as required in Section 45-1-101.

Amended by Chapter 362, 2014 General Session

20A-5-102. Voting instructions.

(1) Each election officer shall:

- (a) print instruction cards for voters;
- (b) ensure that the cards are printed in English in large clear type; and
- (c) ensure that the cards instruct voters:
 - (i) about how to obtain ballots for voting;
 - (ii) about special political party affiliation requirements for voting in the Western States Presidential Primary or in a regular primary election;
 - (iii) about how to prepare ballots for deposit in the ballot box;
 - (iv) about how to record write-in votes;

- (v) about how to obtain a new ballot in the place of one spoiled by accident or mistake;
 - (vi) about how to obtain assistance in marking ballots;
 - (vii) about obtaining a new ballot if the voter's ballot is defaced;
 - (viii) that identification marks or the spoiling or defacing of a ballot will make it invalid;
 - (ix) about how to obtain and vote a provisional ballot;
 - (x) about whom to contact to report election fraud;
 - (xi) about applicable federal and state laws regarding:
 - (A) voting rights and the appropriate official to contact if the voter alleges his rights have been violated; and
 - (B) prohibitions on acts of fraud and misrepresentation;
 - (xii) about procedures governing mail-in registrants and first-time voters; and
 - (xiii) about the date of the election and the hours that the polls are open on election day.
- (2) Each election officer shall:
- (a) provide the election judges of each voting precinct with sufficient instruction cards to instruct voters in the preparation of their ballots;
 - (b) direct the election judges to post:
 - (i) general voting instructions in each voting booth; and
 - (ii) at least three instruction cards and at least one sample ballot elsewhere in and about the polling place.

Amended by Chapter 116, 2003 General Session

20A-5-103. Constitutional amendments -- Posting.

- (1) Whenever a constitutional amendment is submitted to a vote of the people for their approval or rejection, the county clerk shall:
- (a) cause the original section of the constitution to be printed on cards in large clear type with the changes to it indicated by bracketing and interlining any language proposed to be repealed and underlining any new language proposed to be inserted; and
 - (b) place the question as it appears upon the official ballot after the original section.
- (2) If there is more than one amendment submitted, the clerk shall ensure that the proposed amendments are placed upon the cards in columns in the same order as they will appear upon the official ballot.
- (3) Each county clerk shall:
- (a) provide the election judges for each voting precinct with two constitutional amendment cards; and
 - (b) direct the election judges to post the two constitutional amendment cards in and about the polling place.

Amended by Chapter 183, 1997 General Session

20A-5-204. Duplicate registration.

- (1) Upon finding duplicate registration, the county clerk shall first check for errors in the record.
- (2) If duplicate registration does exist, the clerk shall:
 - (a) eliminate one registration entry; and
 - (b) change the date of voter registration on the voter's file to the most recent registration date.

Amended by Chapter 3, 1996 Special Session 2

20A-5-205. Delivery of official register.

- (1) Before delivering the official register to the poll workers, the county clerk shall attach the certificate required by law to the book.
- (2) The county clerk shall deliver the official register, its accuracy verified by the county clerk's signature, to a poll worker in each voting precinct by noon on the day before the election.

Amended by Chapter 326, 2006 General Session

20A-5-206. Change of precinct boundaries -- Revising list.

- (1) Whenever the boundaries of any voting precinct are changed, or a new voting precinct is created, the county clerk shall ensure that the names of all voters residing within the territory affected by the change are transferred from one official register to the other.
- (2) Any registered voter whose name has been erroneously transferred from one official register to another, or erroneously allowed to remain on any official register, may vote in the voting precinct in which the voter resides if the voter uses a provisional ballot.

Amended by Chapter 251, 2012 General Session

20A-5-301. Combined voting precincts -- Municipalities.

- (1) (a) The municipal legislative body of a city of the first or second class may combine up to four regular county voting precincts into one municipal voting precinct for purposes of a municipal election if they designate the location and address of each of those combined voting precincts.
- (b) The polling place shall be within the combined voting precinct or within 1/2 mile of the boundaries of the voting precinct.
- (2) (a) The municipal legislative body of a city of the third, fourth, or fifth class or town may combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election if it designates the location and address of that combined voting precinct.
- (b) If only two precincts are combined, the polling place shall be within the combined precinct or within 1/2 mile of the boundaries of the combined voting precinct.
- (c) If more than two precincts are combined, the polling place should be as near as practical to the middle of the combined precinct.

Amended by Chapter 256, 2007 General Session

20A-5-302. Automated voting system.

- (1) (a) Any county or municipal legislative body or local district board may:
- (i) adopt, experiment with, acquire by purchase, lease, or otherwise, or abandon any automated voting system that meets the requirements of this section; and
 - (ii) use that system in any election, in all or a part of the voting precincts within its boundaries, or in combination with paper ballots.
- (b) Nothing in this title shall be construed to require the use of electronic voting devices in local special elections, municipal primary elections, or municipal general elections.
- (2) (a) Each automated voting system shall:
- (i) provide for voting in secrecy, except in the case of voters who have received assistance as authorized by Section 20A-3-108;
 - (ii) permit each voter at any election to:
 - (A) vote for all persons and offices for whom and for which that voter is lawfully entitled to vote;
 - (B) vote for as many persons for an office as that voter is entitled to vote; and
 - (C) vote for or against any ballot proposition upon which that voter is entitled to vote;
 - (iii) permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for president, vice president, and for their presidential electors;
 - (iv) permit each voter, at any regular general election, to vote for all the candidates of one registered political party by making one mark or punch;
 - (v) permit each voter to scratch vote;
 - (vi) at elections other than primary elections, permit each voter to vote for the nominees of one or more parties and for independent candidates;
 - (vii) at primary elections:
 - (A) permit each voter to vote for candidates of the political party of his choice;
- and
- (B) reject any votes cast for candidates of another party;
 - (viii) prevent the voter from voting for the same person more than once for the same office;
 - (ix) provide the opportunity for each voter to change the ballot and to correct any error before the voter casts the ballot in compliance with the Help America Vote Act of 2002, Pub. L. No. 107-252;
 - (x) include automatic tabulating equipment that rejects choices recorded on a voter's ballot if the number of the voter's recorded choices is greater than the number which the voter is entitled to vote for the office or on the measure;
 - (xi) be of durable construction, suitably designed so that it may be used safely, efficiently, and accurately in the conduct of elections and counting ballots;
 - (xii) when properly operated, record correctly and count accurately each vote cast;
 - (xiii) for voting equipment certified after January 1, 2005, produce a permanent paper record that:

(A) shall be available as an official record for any recount or election contest conducted with respect to an election where the voting equipment is used;

(B) (I) shall be available for the voter's inspection prior to the voter leaving the polling place; and

(II) shall permit the voter to inspect the record of the voter's selections independently only if reasonably practicable commercial methods permitting independent inspection are available at the time of certification of the voting equipment by the lieutenant governor;

(C) shall include, at a minimum, human readable printing that shows a record of the voter's selections;

(D) may also include machine readable printing which may be the same as the human readable printing; and

(E) allows voting poll watchers and counting poll watchers to observe the election process to ensure its integrity; and

(xiv) meet the requirements of Section 20A-5-402.5.

(b) For the purposes of a recount or an election contest, if the permanent paper record contains a conflict or inconsistency between the human readable printing and the machine readable printing, the human readable printing shall supercede the machine readable printing when determining the intent of the voter.

(c) Notwithstanding any other provisions of this section, the election officers shall ensure that the ballots to be counted by means of electronic or electromechanical devices are of a size, layout, texture, and printed in a type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed.

Amended by Chapter 256, 2007 General Session

Amended by Chapter 329, 2007 General Session

20A-5-303. Establishing, dividing, abolishing, and changing voting precincts -- Common polling places -- Combined voting precincts.

(1) (a) After receiving recommendations from the county clerk, the county legislative body may establish, divide, abolish, and change voting precincts.

(b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Automated Geographic Reference Center, created under Section 63F-1-506, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.

(2) (a) The county legislative body shall alter or divide voting precincts so that each voting precinct contains not more than 1,250 active voters.

(b) The county legislative body shall:

(i) identify those precincts that may reach the limit of active voters in a precinct under Subsection (2)(a) or that becomes too large to facilitate the election process; and

(ii) except as provided by Subsection (3), divide those precincts on or before January 1 of a general election year.

(3) A county legislative body shall divide a precinct identified under Subsection (2)(b)(i) on or before January 31 of a regular general election year that immediately

follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the county legislative body may not:

(a) establish or abolish any voting precinct after January 1 of a regular general election year;

(b) alter or change the boundaries of any voting precinct after January 1 of a regular general election year; or

(c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a year immediately preceding the year in which an enumeration is required by the United States Constitution and the day on which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(5) A county legislative body may establish, divide, abolish, alter, or change a voting precinct on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1.

(6) (a) For the purpose of voting in an election, the county legislative body may establish a common polling place for two or more whole voting precincts.

(b) At least 90 days before the election, the county legislative body shall designate:

(i) the voting precincts that will vote at the common polling place; and

(ii) the location of the common polling place.

(c) A county may use one set of election judges for the common polling place under this Subsection (6).

(7) Each county shall have at least two polling places open for voting on the date of the election.

(8) Each common polling place shall have at least one voting device that is accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002.

Amended by Chapter 335, 2011 General Session

20A-5-400.1. Contracting with an election officer to conduct elections -- Fees -- Contracts and interlocal agreements -- Private providers.

(1) (a) In accordance with this section, a local political subdivision may enter into a contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election.

(b) If the boundaries of a local political subdivision holding the election extend beyond a single local political subdivision, the local political subdivision may have more than one provider election officer conduct an election.

(2) A provider election officer shall conduct an election:

(a) under the direction of the contracting election officer; and

(b) in accordance with a contract or interlocal agreement.

(3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:

(a) are consistent with the contract or interlocal agreement; and

(b) do not exceed the actual costs incurred by the provider election officer.

(4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of days before the election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.

(5) An election officer conducting an election may appoint or employ an agent or professional service to assist in conducting the election.

Enacted by Chapter 310, 2011 General Session

20A-5-400.5. Election officer for bond and leeway elections.

(1) When a voted leeway or bond election is held on the regular general election date, the county clerk shall serve as the provider election officer to conduct that election.

(2) (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the provider election officer to conduct that election subject to Subsection (3).

(b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the provider election officer to conduct that election.

(c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:

(i) except as provided in Subsection (3), the municipal clerk shall serve as the provider election officer to conduct the election for those portions of the local political subdivision where the municipal general election or other election is being held; and

(ii) except as provided in Subsection (3), the county clerk shall serve as the provider election officer to conduct the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.

(3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the local political subdivision calling the voted leeway or bond election:

(a) the clerk or chief executive officer of a local district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct the bond election for those portions of the local political subdivision in which no other election, other than another voted leeway or bond election, is being held, unless the local district or school district has contracted with a provider election officer; and

(b) the county clerk, municipal clerk, or both, as determined by the local political

subdivision holding the bond election, shall serve as the provider election officer to conduct the bond election for those portions of the local political subdivision in which another election, other than another voted leeway or bond election, is being held.

(4) A provider election officer required by this section to conduct an election for a local political subdivision shall comply with Section 20A-5-400.1.

Amended by Chapter 415, 2013 General Session

20A-5-401. Official register -- Preparation -- Contents.

(1) (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or Western States Presidential Primary election, each county clerk shall prepare an official register of voters for each voting precinct that will participate in the election.

(b) The county clerk shall ensure that the official register is prepared for the alphabetical entry of names and contains entry fields to provide for the following information:

- (i) registered voter's name;
- (ii) party affiliation;
- (iii) grounds for challenge;
- (iv) name of person challenging a voter;
- (v) primary, November, special;
- (vi) date of birth;
- (vii) place of birth;
- (viii) place of current residence;
- (ix) street address;
- (x) zip code;
- (xi) identification and provisional ballot information as required under Subsection (1)(d); and
- (xii) space for the voter to sign his name for each election.

(c) When preparing the official register for the Western States Presidential Primary, the county clerk shall include:

(i) an entry field to record the name of the political party whose ballot the voter voted; and

(ii) an entry field for the poll worker to record changes in the voter's party affiliation.

(d) When preparing the official register for any regular general election, municipal general election, statewide special election, local special election, regular primary election, municipal primary election, local district election, or election for federal office, the county clerk shall include:

(i) an entry field for the poll worker to record the type of identification provided by the voter;

(ii) a column for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and

(iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

(2) (a) (i) For regular and municipal elections, primary elections, regular

municipal elections, local district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, local district, or bond election.

(ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.

(iii) Each county clerk, with the assistance of the clerk of each affected local district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of local district officers.

(b) Municipalities shall pay the costs of making the official register for municipal elections.

Amended by Chapter 45, 2009 General Session

20A-5-402.5. Certification of voting equipment.

(1) As used in this section, "voting equipment" means automatic tabulating equipment, electronic voting systems, voting devices, and voting machines.

(2) Each election officer shall ensure that:

(a) the voting equipment used by the election officer is certified by the Election Assistance Commission; and

(b) the voting equipment is certified by the lieutenant governor as having met the requirements of this section.

(3) The lieutenant governor shall ensure that all voting equipment used complies with the requirements of this section.

Amended by Chapter 8, 2010 General Session

20A-5-402.7. Voting Equipment Selection Committee.

(1) As used in this section, "new voting equipment system" means voting equipment that is operated in a materially different way or that functions in a materially different way than the equipment being replaced.

(2) Before selecting or purchasing a new voting equipment system after January 1, 2007, the lieutenant governor shall:

(a) appoint a Voting Equipment Selection Committee; and

(b) ensure that the committee includes persons having experience in:

(i) election procedures and administration;

(ii) computer technology;

(iii) data security;

(iv) auditing; and

(v) access for persons with disabilities.

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) The lieutenant governor shall select a chair from the committee membership.

(5) The lieutenant governor may fill any vacancies that occur on the committee.

(6) The lieutenant governor's office shall provide staffing for the committee.

(7) The Voting Equipment Selection Committee shall:

(a) evaluate new voting equipment systems proposed for purchase by the state;
and

(b) provide information and recommendations to assist the lieutenant governor with the purchase of new voting equipment systems.

(8) The lieutenant governor may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of new voting equipment systems under consideration for purchase.

(9) Before making any selection or purchase, the lieutenant governor shall provide for a period of public review and comment on new voting equipment systems under consideration for purchase by the state.

Amended by Chapter 286, 2010 General Session

20A-5-403. Polling places -- Booths -- Ballot boxes -- Inspections -- Arrangements.

(1) Each election officer shall:

(a) designate polling places for each voting precinct in the jurisdiction; and

(b) obtain the approval of the county or municipal legislative body or local district governing board for those polling places.

(2) (a) For each polling place, the election officer shall provide:

(i) an American flag;

(ii) a sufficient number of voting booths or compartments;

(iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets, write-in ballots, and any other records and supplies necessary to enable a voter to vote;

(iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;

(v) voter information pamphlets required by Chapter 7, Part 7, Voter Information Pamphlet;

(vi) the instruction cards required by Section 20A-5-102; and

(vii) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of identification that constitute valid voter identification.

(b) Each election officer shall ensure that:

(i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare the voter's ballot screened from observation;

(ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that polling place; and

(iii) there is at least one voting booth or voting device that is configured to accommodate persons with disabilities.

(c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.

(3) (a) All polling places shall be physically inspected by each county clerk to ensure access by a person with a disability.

(b) Any issues concerning inaccessibility to polling places by a person with a disability discovered during the inspections referred to in Subsection (3)(a) or reported to the county clerk shall be:

(i) forwarded to the Office of the Lieutenant Governor; and

(ii) within six months of the time of the complaint, the issue of inaccessibility shall be either:

(A) remedied at the particular location by the county clerk;

(B) the county clerk shall designate an alternative accessible location for the particular precinct; or

(C) if no practical solution can be identified, file with the Office of the Lieutenant Governor a written explanation identifying the reasons compliance cannot reasonably be met.

(4) (a) The municipality in which the election is held shall pay the cost of conducting each municipal election, including the cost of printing and supplies.

(b) (i) Costs assessed by a county clerk to a municipality under this section may not exceed the actual costs incurred by the county clerk.

(ii) The actual costs shall include:

(A) costs of or rental fees associated with the use of election equipment and supplies; and

(B) reasonable and necessary administrative costs.

(5) The county clerk shall make detailed entries of all proceedings had under this chapter.

Amended by Chapter 297, 2011 General Session

20A-5-404. Election forms -- Preparation and contents.

(1) (a) For each election, the election officer shall prepare, for each voting precinct, a:

(i) ballot disposition form;

(ii) total votes cast form;

(iii) tally sheet form; and

(iv) pollbook.

(b) For each election, the election officer shall:

(i) provide a copy of each form to each of those precincts using paper ballots; and

(ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.

(2) The election officer shall ensure that the ballot disposition form contains a space for the judges to identify:

(a) the number of ballots voted;

(b) the number of substitute ballots voted, if any;

(c) the number of ballots delivered to the voters;

- (d) the number of spoiled ballots;
- (e) the number of registered voters listed in the official register;
- (f) the total number of voters voting according to the pollbook; and
- (g) the number of unused ballots.

(3) The election officer shall ensure that the total votes cast form contains:

(a) the name of each candidate appearing on the ballot, the office for which the candidate is running, and a blank space for the election judges to record the number of votes that the candidate received;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to record the number of votes that the write-in candidate received;

(c) a heading identifying each ballot proposition and blank spaces for the election judges to record the number of votes for and against each proposition; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the total votes cast form:

"TOTAL VOTES CAST

At an election held at _____ in _____ voting precinct in _____ (name of entity holding the election) and State of Utah, on _____ (month\day\year), the following named persons received the number of votes annexed to their respective names for the following described offices: Total number of votes cast were as follows:

Certified by us _____, _____, _____, Judges of Election."

(4) The election officer shall ensure that the tally sheet form contains:

(a) for each office, the names of the candidates for that office, and blank spaces to tally the votes that each candidate receives;

(b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;

(c) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and

(d) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:

"Tally Sheet

We the undersigned election judges for voting precinct # _____, _____ (entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on _____ (date of election) and is a tally of the votes cast for each of those persons. Certified by us _____, _____, _____, Judges of Election."

(5) The election officer shall ensure that the pollbook:

(a) identifies the voting precinct number on its face; and

(b) contains:

(i) a section to record persons voting on election day, with columns entitled "Ballot Number" and "Voter's Name";

(ii) another section in which to record absentee ballots;

(iii) a section in which to record voters who are challenged; and

(iv) a certification, in substantially the following form:

"We, the undersigned, judges of an election held at _____ voting precinct, in _____ County, state of Utah, on _____ (month\day\year), having first been sworn according to law, certify that the information listed in this book is a true statement of the number and names of the persons voting in the voting precinct at the election, and that the total number of persons voting at the election was ____."

Judges of Election

Amended by Chapter 9, 2001 General Session

20A-5-405. Election officer to provide ballots.

- (1) In jurisdictions using paper ballots, each election officer shall:
- (a) provide printed official paper ballots and absentee ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be printed on each official paper ballot and absentee ballot;
 - (c) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (d) ensure that the official paper ballots are printed and in the possession of the election officer before commencement of voting;
 - (e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the official paper ballots and absentee ballots;
 - (h) cause sample ballots to be printed that are in the same form as official paper ballots and that contain the same information as official paper ballots but that are printed on different colored paper than official paper ballots;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) print and deliver, at the expense of the jurisdiction conducting the election, enough official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.

(2) In jurisdictions using a punch card ballot, each election officer shall:

(a) provide official ballot sheets, absentee ballot sheets, and printed official ballot labels for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

(b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be printed on each official ballot label;

(c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label;

(d) ensure that the official ballot labels are printed and in the possession of the election officer before the commencement of voting;

(e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballot labels but that are distinguishable from official ballot labels;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election:

(A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) print and deliver official ballot sheets, official ballot labels, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.

(3) In jurisdictions using a ballot sheet other than a punch card, each election officer shall:

(a) provide official ballot sheets and absentee ballot sheets for every election of public officers in which the voters, or any of the voters, within the election officer's

jurisdiction participate;

(b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to or filed with the election officer to be printed on each official ballot and absentee ballot;

(c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;

(d) ensure that the official ballots are printed and in the possession of the election officer before commencement of voting;

(e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from the official ballots;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election:

(A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) print and deliver, at the expense of the jurisdiction conducting the election, enough official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.

(4) In jurisdictions using electronic ballots, each election officer shall:

(a) provide official ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;

(b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be displayed on each official ballot;

(c) cause each ballot proposition that has qualified for the ballot as provided by law to be displayed on each official ballot;

(d) ensure that the official ballots are prepared and in the possession of the election officer before commencement of voting;

(e) ensure that the absentee ballots are prepared and in the possession of the election officer with sufficient time before commencement of voting;

(f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from official ballots;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; and

(iii) publishing a copy of the sample ballot immediately before the election:

(A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

(B) as required in Section 45-1-101;

(k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) prepare and deliver official ballots, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.

(5) (a) Each election officer shall, without delay, correct any error discovered in any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the correction can be made without interfering with the timely distribution of the paper ballots, ballot labels, ballot sheets, or electronic ballots.

(b) (i) If the election officer discovers an error or omission in a paper ballot, ballot label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets before they are distributed at the polls.

(ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.

(c) (i) If the election officer refuses or fails to correct an error or omission in the paper ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may file a verified petition with the district court asserting that:

(A) an error or omission has occurred in:

(I) the publication of the name or description of a candidate;

(II) the preparation or display of an electronic ballot; or

(III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets; and

(B) the election officer has failed to correct or provide for the correction of the

error or omission.

(ii) The district court shall issue an order requiring correction of any error in a paper ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error should not be corrected if it appears to the court that the error or omission has occurred and the election officer has failed to correct it or failed to provide for its correction.

(iii) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the decision of the district court.

Amended by Chapter 388, 2009 General Session

20A-5-406. Delivery of ballots.

(1) In elections using paper ballots or ballot sheets:

(a) Each election officer shall deliver ballots to the poll workers of each voting precinct in his jurisdiction in an amount sufficient to meet voting needs during the voting period.

(b) The election officer shall:

(i) package and deliver the ballots to the election judges;

(ii) clearly mark the outside of the package with:

(A) the voting precinct and polling place for which it is intended; and

(B) the number of each type of ballots enclosed;

(iii) ensure that each package is delivered before commencement of voting to a poll worker in each precinct; and

(iv) obtain a receipt for the ballots from the poll worker to whom they were delivered that identifies the date and time when, and the manner in which, each ballot package was sent and delivered.

(c) The election officer shall prepare substitute ballots in the form required by this Subsection (1) if any poll worker reports that:

(i) the ballots were not delivered on time; or

(ii) after delivery, they were destroyed or stolen.

(d) The election officer shall:

(i) prepare the substitute ballots as nearly in the form prescribed for official ballots as practicable;

(ii) cause the word "substitute" to be printed in brackets immediately under the facsimile signature of the clerk or recorder preparing the ballots;

(iii) place the ballots in two separate packages, each package containing 1/2 the ballots sent to that voting precinct; and

(iv) place a signed statement in each package certifying that the substitute ballots found in the package were prepared and furnished by the election officer, and that the original ballots were not received, were destroyed, or were stolen.

(2) In elections using electronic ballots:

(a) Each election officer shall:

(i) deliver the voting devices and electronic ballots prior to the commencement of voting;

(ii) ensure that the voting devices, equipment, and electronic ballots are properly secured before commencement of voting; and

(iii) when electronic ballots or voting devices containing electronic ballots are delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered that identifies:

(A) the name of the poll worker receiving delivery; and

(B) the date and time when the ballots or voting devices containing the electronic ballots were delivered.

(b) The election officer shall repair or provide substitute voting devices, equipment, or electronic ballots, if available, if any poll worker reports that:

(i) the voting devices or equipment were not delivered on time;

(ii) the voting devices or equipment do not contain the appropriate electronic ballot information;

(iii) the safety devices on the voting devices, equipment, or electronic ballots appear to have been tampered with;

(iv) the voting devices or equipment do not appear to be functioning properly; or

(v) after delivery, the voting devices, equipment, or electronic ballots were destroyed or stolen.

(c) If the election officer is unable to prepare and provide substitute voting devices, equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot sheets according to the requirements of Subsection (1).

Amended by Chapter 326, 2006 General Session

20A-5-407. Election officer to provide ballot boxes.

(1) Except as provided in Subsection (3), each election officer shall:

(a) provide one ballot box with a lock and key for each polling place; and

(b) deliver the ballot boxes, locks, and keys to the polling place or the election judges of each voting precinct no later than noon on the day before the election.

(2) Election officers for municipalities and local districts may obtain ballot boxes from the county clerk's office.

(3) If locks and keys are unavailable, the ballot box lid shall be secured by tape.

Amended by Chapter 329, 2007 General Session

20A-5-408. Disposition of election returns.

(1) Each election officer shall produce the packages containing the election returns before the board of canvassers.

(2) As soon as the returns are canvassed, the election officer shall file the pollbook, lists, and papers produced before the board as required by Section 20A-4-202.

Enacted by Chapter 1, 1993 General Session

20A-5-409. Certification of candidates to county clerks.

No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the name of each candidate qualified to be printed on the regular general election ballot for that county clerk's county.

Amended by Chapter 327, 2011 General Session

20A-5-410. Study voting by mail.

(1) The lieutenant governor, in consultation with other election officers, shall study how to administer an election that takes place no later than 2015 in which all registered voters receive a ballot in the mail and a person may vote by:

(a) returning a marked ballot to the election officer in the mail; or
(b) marking a ballot in person at an early voting polling place or an election day voting center.

(2) (a) An election officer shall participate in the study at the request of the lieutenant governor.

(b) The study shall include recommended statutory changes.

(3) The lieutenant governor shall report on the progress of the study to the Government Operations Interim Committee before September 30, 2012, September 30, 2013, and September 30, 2014.

Enacted by Chapter 40, 2012 General Session

20A-5-601. Poll workers -- Appointment for regular general elections, primary elections, and special elections.

(1) (a) By March 1 of each even-numbered year, each county clerk shall provide to the county chair of each registered political party a list of the number of poll workers that the party must nominate for each voting precinct.

(b) (i) By April 1 of each even-numbered year, the county chair and secretary of each registered political party shall file a list with the county clerk containing, for each voting precinct, the names of individuals in the county who are willing to serve as poll workers, who are qualified to serve as poll workers in accordance with this section, and who are competent and trustworthy.

(ii) The county chair and secretary shall submit, for each voting precinct, names equal in number to the number required by the county clerk plus one.

(2) Each county legislative body shall provide for the appointment of individuals to serve as poll workers at the regular primary election, the regular general election, the Western States Presidential Primary, and a statewide or countywide special election.

(3) For regular general elections and statewide or countywide special elections, each county legislative body shall provide for the appointment of:

(a) (i) three registered voters, or one individual who is 16 or 17 years of age and two registered voters, one of whom is at least 21 years of age, from the list to serve as receiving judges for each voting precinct when ballots will be counted after the polls close; or

(ii) three registered voters, or one individual who is 16 or 17 years of age and two registered voters, one of whom is at least 21 years of age, from the list to serve as receiving judges in each voting precinct and three registered voters from the list to serve as counting judges in each voting precinct when ballots will be counted throughout election day; and

(b) three registered voters from the list for each 100 absentee ballots to be

counted to serve as canvassing judges.

(4) For each precinct in which ballots are counted after the polls close, in a regular primary election and for the Western States Presidential Primary election, each county legislative body shall provide for the appointment of two or three individuals from the list to serve as receiving judges:

- (a) each of whom is a registered voter; or
- (b) (i) the first of whom is a registered voter and is at least 21 years of age;
- (ii) the second of whom is 16 or 17 years of age; and
- (iii) if three individuals are appointed, the third of whom is a registered voter.

(5) For each precinct in which ballots are counted throughout election day, in a regular primary election and for the Western States Presidential Primary election, each county legislative body shall provide for the appointment of:

- (a) two or three individuals from the list to serve as receiving judges:
 - (i) each of whom is a registered voter; or
 - (ii) (A) the first of whom is a registered voter and is at least 21 years of age;
 - (B) the second of whom is 16 or 17 years of age; and
 - (C) if three individuals are appointed, the third of whom is a registered voter; and
- (b) two or three individuals from the list to serve as counting judges:
 - (i) each of whom is a registered voter; or
 - (ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the next regular general election; and
 - (B) each of the rest of whom is a registered voter; and
- (c) two or three registered voters, or one or two registered voters and one individual 17 years of age who will be 18 years of age by the date of the next regular general election, from the list for each 100 absentee ballots to be counted to serve as canvassing judges.

(6) Each county legislative body may provide for the appointment of:

- (a) three registered voters from the list to serve as inspecting judges at the regular general election, or a statewide or countywide special election, to observe the clerk's receipt and deposit of the ballots for safekeeping; and
- (b) two or three registered voters, or one or two registered voters and one individual 17 years of age who will be 18 years of age by the date of the next regular general election, from the list to serve as inspecting judges at the regular primary election to observe the clerk's receipt and deposit of the ballots for safekeeping.

(7) (a) For each set of three counting or receiving judges to be appointed for each voting precinct for the regular primary election, the regular general election, the Western States Presidential Primary election, or a statewide or countywide special election, the county legislative body shall ensure that:

- (i) two judges are appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and
- (ii) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges.

(b) For each set of two counting or receiving judges to be appointed for each voting precinct for the regular primary election and Western States Presidential Primary election, the county legislative body shall ensure that:

(i) one judge is appointed from the political party that cast the highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges; and

(ii) one judge is appointed from the political party that cast the second highest number of votes for governor, lieutenant governor, attorney general, state auditor, and state treasurer, excluding votes for unopposed candidates, in the voting precinct at the last regular general election before the appointment of the election judges.

(8) When the voting precinct boundaries have been changed since the last regular general election, the county legislative body shall ensure that:

(a) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using three receiving, counting, and canvassing judges, and regular general election, not more than two of the judges are selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment; and

(b) for the regular primary election and the Western States Presidential Primary election, when the county legislative body is using two receiving, counting, and canvassing judges, not more than one of the judges is selected from the political party that cast the highest number of votes for the offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer in the territory that formed the voting precinct at the time of appointment.

(9) The county legislative body shall provide for the appointment of any qualified county voter as an election judge when:

(a) a political party fails to file the poll worker list by the filing deadline; or

(b) the list is incomplete.

(10) A registered voter of the county may serve as a poll worker in any voting precinct of the county.

(11) A county legislative body may not appoint a candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.

(12) If an individual serves as a poll worker outside the voting precinct where the individual is registered, that individual may vote an absentee voter ballot.

(13) The county clerk shall fill all poll worker vacancies.

(14) If a conflict arises over the right to certify the poll worker lists for any political party, the county legislative body may decide between conflicting lists, but may only select names from a properly submitted list.

(15) The county legislative body shall establish compensation for poll workers.

(16) The county clerk may appoint additional poll workers to serve in the polling place as needed.

Amended by Chapter 31, 2014 General Session

Amended by Chapter 391, 2014 General Session

20A-5-602. Poll workers -- Appointment for local elections.

(1) A county legislative body, a municipal legislative body, or a local district board appointing, or providing for the appointment of, a poll worker for a local election under this section shall appoint the poll worker at least 15 days before the date of the local election.

(2) For each precinct that uses a paper ballot, and where the ballots are counted after the polls close, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:

- (a) each of whom is a registered voter; or
- (b) (i) the first of whom is a registered voter;
- (ii) the second of whom is a registered voter and is at least 21 years of age; and
- (iii) the third of whom is 16 or 17 years of age.

(3) For each precinct that uses a paper ballot, and where the ballots are counted throughout the day, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of:

- (a) three individuals who reside within the county to serve as receiving judges:
 - (i) each of whom is a registered voter; or
 - (ii) (A) the first of whom is a registered voter;
 - (B) the second of whom is a registered voter and is at least 21 years of age; and
 - (C) the third of whom is 16 or 17 years of age; and
- (b) three individuals who reside within the county to serve as counting judges:
 - (i) each of whom is a registered voter; or
 - (ii) (A) one of whom is 17 years of age and will be 18 years of age by the date of the next local election; and
 - (B) each of the rest of whom is a registered voter.

(4) For each precinct using automated tabulating equipment, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, three individuals who reside within the county to serve as poll workers:

- (a) each of whom is a registered voter; or
- (b) (i) the first of whom is a registered voter;
- (ii) the second of whom is a registered voter and is at least 21 years of age; and
- (iii) the third of whom is 16 or 17 years of age.

(5) For each precinct using voting machines, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of, four individuals who reside within the county to serve as poll workers:

- (a) each of whom is a registered voter; or
- (b) (i) the first of whom is a registered voter and is at least 21 years of age;
- (ii) the second of whom is 16 or 17 years of age; and
- (iii) each of the rest of whom is a registered voter.

(6) In all jurisdictions, the county legislative body, the municipal legislative body, or the local district board shall appoint, or provide for the appointment of:

- (a) at least one registered voter who resides within the county to serve as

canvassing judge, if necessary; and

(b) as many alternate poll workers as needed to replace appointed poll workers who are unable to serve.

(7) The county legislative body, the municipal legislative body, and the local district board may not appoint any candidate's parent, sibling, spouse, child, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, or son-in-law to serve as a poll worker in a precinct where the candidate appears on the ballot.

(8) The clerk shall:

(a) prepare and file a list containing the name, address, voting precinct, and telephone number of each individual appointed; and

(b) make the list available in the clerk's office for inspection, examination, and copying during business hours.

(9) (a) The county legislative body, the municipal legislative body, and the local district board shall compensate poll workers for their services.

(b) The municipal legislative body and local district board may not compensate their poll workers at a rate higher than that paid by the county to its poll workers.

Amended by Chapter 31, 2014 General Session

Amended by Chapter 31, 2014 General Session, (Coordination Clause)

Amended by Chapter 391, 2014 General Session

20A-5-603. Vacancies -- Removal of poll workers.

(1) (a) If a poll worker or alternate is unable to serve, that poll worker or alternate shall immediately notify the election officer, who shall fill the vacancy as provided in this section.

(b) The election officer may fill a vacancy occurring under this section by appointing the alternate to serve or, if that is impossible, by appointing some other qualified person to fill the vacancy.

(2) The election officer shall summarily remove any poll worker who:

(a) neglects his duty;

(b) commits or encourages fraud in connection with any election;

(c) violates any election law;

(d) knowingly permits any person to violate any election law;

(e) has been convicted of a felony;

(f) commits any act that interferes or tends to interfere with a fair and honest election; or

(g) is incapable of performing the duties of a poll worker.

Amended by Chapter 75, 2007 General Session

20A-5-604. Receipt of ballots by poll workers.

(1) The poll worker who receives official or substitute ballots from the election officer shall:

(a) sign a receipt for them and file it with the election officer; and

(b) produce the packages in the proper polling place with the seals unbroken.

(2) If the poll worker receives packages of substitute ballots accompanied by a

written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll worker shall produce the packages of substitute ballots in the proper polling place with the seals unbroken.

Amended by Chapter 75, 2007 General Session

20A-5-605. Duties of poll workers.

- (1) Poll workers shall:
 - (a) arrive at the polling place at a time determined by the election officer; and
 - (b) remain until the official election returns are prepared for delivery.
- (2) The election officer may designate:
 - (a) certain poll workers to act as election judges;
 - (b) an election judge to act as the presiding election judge; and
 - (c) certain poll workers to act as clerks.
- (3) Upon their arrival to open the polls, the poll workers shall:
 - (a) if the election officer has not designated which poll workers at a polling place are assigned to act as election judges, as presiding election judge, or as clerks:
 - (i) designate two poll workers to act as election judges as necessary;
 - (ii) determine which election judge shall preside as necessary; and
 - (iii) determine which poll workers shall act as clerks as necessary;
 - (b) select one or more of their number to deliver the election returns to the election officer or to the place that the election officer designates;
 - (c) display the United States flag;
 - (d) examine the voting devices to see that they are in proper working order and that security devices have not been tampered with;
 - (e) place the voting devices, voting booths, and the ballot box in plain view of those poll workers and watchers that are present;
 - (f) for paper ballots and ballot sheets, open the ballot packages in the presence of all the poll workers;
 - (g) check the ballots, supplies, records, and forms;
 - (h) if directed to do so by the election officer:
 - (i) make any necessary corrections to the official ballots before they are distributed at the polls; and
 - (ii) post any necessary notice of errors in electronic ballots before voting commences;
 - (i) post the sample ballots, instructions to voters, and constitutional amendments, if any; and
 - (j) open the ballot box in the presence of those assembled, turn it upside down to empty it of anything, and then, immediately before polls open, lock it, or if locks and keys are not available, tape it securely.
- (4) (a) If any poll worker fails to appear on the morning of the election, or fails or refuses to act:
 - (i) at least six qualified electors from the voting precinct who are present at the polling place at the hour designated by law for the opening of the polls shall fill the vacancy by appointing another qualified person from the voting precinct who is a

member of the same political party as the poll worker who is being replaced to act as a poll worker; or

(ii) the election officer shall appoint a qualified person to act as a poll worker.

(b) If a majority of the poll workers are present, they shall open the polls, even though a poll worker has not arrived.

(5) (a) If it is impossible or inconvenient to hold an election at the polling place designated, the poll workers, after having assembled at or as near as practicable to the designated place, and before receiving any vote, may move to the nearest convenient place for holding the election.

(b) If the poll workers move to a new polling place, they shall display a proclamation of the change and station a peace officer or some other proper person at the original polling place to notify voters of the location of the new polling place.

(6) If the poll worker who received delivery of the ballots produces packages of substitute ballots accompanied by a written and sworn statement of the election officer that the ballots are substitute ballots because the original ballots were not received, were destroyed, or were stolen, the poll workers shall use those substitute ballots as the official election ballots.

(7) If, for any reason, none of the official or substitute ballots are ready for distribution at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll workers may use unofficial ballots, made as nearly as possible in the form of the official ballot, until substitutes prepared by the election officer are printed and delivered.

(8) When it is time to open the polls, one of the poll workers shall announce that the polls are open as required by Section 20A-1-302, or in the case of early voting, Section 20A-3-602.

(9) (a) The poll workers shall comply with the voting procedures and requirements of Title 20A, Chapter 3, Voting, in allowing people to vote.

(b) The poll workers may not allow any person, other than election officials and those admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

(c) Besides the poll workers and watchers, the poll workers may not allow more than four voters in excess of the number of voting booths provided within six feet of voting devices, voting booths, and the ballot box.

(d) If necessary, the poll workers shall instruct each voter about how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.

(ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political parties.

Amended by Chapter 75, 2007 General Session

20A-5-606. Closing the polls -- Preparation and delivery of election returns.

The election judges shall close the polls and prepare and deliver the election returns as provided in Chapter 4.

Amended by Chapter 2, 1994 General Session

20A-5-701. Willful neglect of duty or corrupt conduct -- Penalty.

(1) It is unlawful for any poll worker to willfully neglect the poll worker's duty or to willfully act corruptly in discharging the poll worker's duty.

(2) Any poll worker who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

20A-5-702. Destroying or concealing ballots.

(1) It is unlawful for any person, or officer having charge of official ballots, to destroy, suppress, or conceal them, except authorized by this title.

(2) Any person who violates this section is guilty of a third degree felony.

Amended by Chapter 253, 2013 General Session

20A-5-703. Neglect or refusal to deliver ballots or returns.

(1) It is unlawful for any person or officer who has undertaken to deliver official ballots or election returns to any voting precinct or to any poll worker or election officer to neglect, refuse, or fail to do so.

(2) Any person who violates this subsection is guilty of a class A misdemeanor and shall be imprisoned for not less than six months, and fined not less than \$250.

Amended by Chapter 75, 2007 General Session

20A-5-705. Officer or watcher revealing vote.

(1) It is unlawful for any election official or watcher to reveal to any other person the name of any candidate for whom a voter has voted, or to communicate to another the election official's or watcher's opinion, belief, or impression as to how or for whom a voter has voted.

(2) A person who violates this section is guilty of a class A misdemeanor.

Amended by Chapter 253, 2013 General Session

20A-5-706. Damage, alteration, or theft of election equipment -- Penalty.

(1) It is unlawful for any person to intentionally or knowingly damage, modify, steal, tamper with, or destroy a voting device, voting equipment, or an automated voting system.

(2) Any person who violates this section is guilty of a third degree felony.

Enacted by Chapter 326, 2006 General Session